



Mary Taylor, CPA

Auditor of State

March 2, 2007

Mr. Miles C. Durfey
Clerk of the Court
Ohio Court of Claims
65 South Front Street, Third Floor
Columbus, OH 43215

Dear Mr. Durfey:

I am writing, as required by Ohio Revised Code (ORC) section 2743.49, to report to you on the adjustments calculated by the Auditor of State's Office regarding the amount owed to an individual who has been found to be wrongfully convicted and imprisoned in the State of Ohio. As you know, I was unable to certify the new amount on February 15, as I was compelled to seek direction from the Attorney General about an ambiguity in the statute. I have now received the Attorney General's guidance, and am prepared to certify the new amount.

ORC 2743.48 provides a process for an individual who has been wrongfully convicted and imprisoned for commission of a felony criminal offense to file a civil action against the state. Included in this statute is an amount which an individual is entitled to recover for each full year in which the person was wrongfully imprisoned. This amount is to be prorated for any partial year that the individual was wrongfully imprisoned. ORC 2743.49, as described below, provides a mechanism for the Auditor of State to adjust the amount of wrongful imprisonment awards every two years based on changes to the consumer price index (CPI). The amount as determined in ORC 2743.49 (A)(1) and effective for the years 2005 and 2006 was \$41,418.91.

ORC 2743.49, which I have enclosed, requires that in each odd numbered year, the Auditor of State shall adjust the amount owed to a wrongfully imprisoned individual, based on the yearly average of the CPI for the previous two years, and shall forward a report of the adjusted amount to the Ohio General Assembly, as well as the Ohio Court of

Claims. The amount as adjusted by the Auditor of State is to be in effect for the next two years. This letter is intended to satisfy the reporting requirement of this statute.

Based on the existing formula provided in ORC 2743.49, the new adjusted amount for wrongful imprisonment awards is \$44,203.56. This amount is to be in effect for 2007 and 2008. As described in ORC 2743.49, this report and all related documents are public record and are available for copying and inspection in my office. Please do not hesitate to contact my office if you need additional information about this report or if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Taylor". The signature is written in a cursive, flowing style.

Mary Taylor, CPA
Auditor of State

MT/mrh

cc: House Speaker Jon Husted
Senate President Bill Harris
House Minority Leader Joyce Beatty
Senate Minority Leader Teresa Fedor

§ 2743.49. Adjustment of amount recoverable for wrongful imprisonment.

(A) (1) In January of each odd-numbered year, the auditor of state, in accordance with this division and division (A)(2) of this section, shall adjust the actual dollar figure specified in division (E)(2)(b) of section 2743.48 of the Revised Code or the actual dollar amount determined pursuant to this section. The adjustment shall be based on the yearly average of the previous two years of the consumer price index for all urban consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A. Using the yearly average for the immediately preceding even-numbered year as the base year, the auditor of state shall compare the most current average consumer price index with that determined in the preceding odd-numbered year and shall determine the percentage increase or decrease. The auditor of state shall multiply the percentage increase or decrease by the actual dollar figure specified in division (E)(2)(b) of section 2743.48 of the Revised Code or the actual dollar figure determined for the previous odd-numbered year under this section and shall add the product to or subtract the product from its corresponding actual dollar figure, as applicable, for the previous odd-numbered year.

(2) The auditor of state shall calculate the adjustment under division (A)(1) of this section on or before the thirty-first day of January of each odd-numbered year. The auditor of state shall base the adjustment on the most current consumer price index that is described in division (A)(1) of this section and that is in effect as of the first day of January of each odd-numbered year.

(B) (1) The auditor of state shall certify the calculations made under division (A) of this section on or before the thirty-first day of January of each odd-numbered year.

(2) On or before the fifteenth day of February of each odd-numbered year, the auditor of state shall prepare a report setting forth the amount that a wrongfully imprisoned individual is entitled to for each full year of imprisonment in the state correctional institution for the offense of which the wrongfully imprisoned individual was found guilty as provided in division (E)(2)(b) of section 2743.49 of the Revised Code and as calculated in accordance with this section. The report and all documents relating to the calculations contained in the report are public records. The report shall contain an indication of the period in which the calculated amount applies, a summary of how the amount was calculated, and a statement that the report and all related documents are available for inspection and copying at the office of the auditor of state.

(3) On or before the fifteenth day of February of each odd-numbered year, the auditor of state shall transmit the report to the general assembly and to the court of claims.

HISTORY: 149 v S 149. Eff 4-9-2003.

Wrongful Imprisonment Award
2007 Certification of Adjusted Amount (ORC 2743.49)

Worksheet for 2007 Calculation

1) Using the yearly average for the immediately preceding even-numbered year (2006) as the base year...	201.6
2) The auditor of state shall compare the most current average consumer price index....	201.6
3) With that determined in the preceding odd-numbered year (2004...determined in 2005)...	188.9
3) And shall determine the percentage increase or decrease.	6.7%
4) The auditor of state shall multiply the percentage increase or decrease by (the actual dollar figure specified in division (E)(2)(b) of section 2743.48 of the Revised Code or) the actual dollar figure determined for the previous odd-numbered year (2005) under this section...	\$41,418.91
5) And shall add the product to or subtract the product from...	\$2,784.65
6) Its corresponding actual dollar figure, as applicable, for the previous odd-numbered year (2005).	\$41,418.91
New adjusted amount	\$44,203.56